

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No. 5247 of 2002

Between:

Mr. K.Babaiah, S/o. Kistaiah,
R/o. 1-10/1, Jilleleguda,
Sarooranagar Mandal, Hyderabad.

..... PETITIONER

AND

The Superintendent of Prohibition & Excise,
Ranga Reddy District, Narayanaguda, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent herein to take appropriate action soon after the result of the opinion of State Food Laboratory, Nacharam, Hyderabad (Independent analyst) with Respect of 2nd sample bottle referred to by him in C.O.R.No. 714/2001-2002 dt.13-2-2002 and consequently set aside the proceedings in Cr.No. E5/2044/2002, dt. 2-3-2002 of the respondent suspending the licence of the petitioner bearing No.192, counter No.12 Jilleleguda, Sarooranagar Mandal, Hyderabad as illegal unjustified and violation of principles of natural justice.

Counsel for the Petitioner : MR.M.V.S.SAI KUMAR

Counsel for the Respondent : GP FOR PROHIBITION & EXCISE

The Court made the following :

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ORDER :

The petitioner was granted licence under the scheme known as ‘Tree for Tappers’. On an allegation that he was adulterating toddy with Chloral Hydrate, a crime was registered against him. The respondent herein also passed impugned proceedings suspending the licence of the petitioner, assailing which the present writ petition is filed.

The only contention raised in the writ petition is that the respondent passed the impugned orders in haste without waiting for the report of the A.P. State Food Laboratory, Nacharam, Hyderabad to which the second sample of the toddy was sent for analysis. The licence was issued to the petitioner for the year 2002-03 and no material is placed before this Court as to whether the licence was renewed subsequently. Further the learned Government Pleader for Prohibition and Excise submits that though initially the licence was suspended by impugned proceedings, the respondent did not take any further action for cancellation of the licence of the petitioner. In that view of the matter, no further orders are necessary in this writ petition as this Court already passed interim orders directing the respondent to permit the petitioner to run the toddy shop.

The writ petition is accordingly disposed of. No costs.

(V.V.S. RAO, J.)

05-07-2005.

Msr.

To

1. The Superintendent of Prohibition & Excise,
Ranga Reddy District, Narayanaguda, Hyderabad.

2. 2 CCs to Government Pleader for Prohibition and Excise,
High Court Buildings, Hyderabad.

3 2 CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

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(Msr)